

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2243 OF 2016**

Ajay Sharad Jadhav	...Applicant
Versus	
The State of Maharashtra	...Respondent
Mr. Rushikesh Barge I/b Mr. Vikas Patil-Shirgaonkar for the Applicant	
Mr. Y. M. Nakhwa, A.P.P for the Respondent-State	

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 2nd MAY, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-110 of 2013 registered with the Umbraj Police Station, for the alleged offences punishable under Sections 302, 307, 143, 147 and 149 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that the only allegation against the applicant is that he held the legs of the deceased

when the other co-accused were assaulting the deceased. He submits that there is no recovery at the instance of the applicant. He submits that the applicant is in custody since June, 2015 and that investigation is complete and charge-sheet is filed.

4. Perused the papers. There are eye-witnesses to the incident of assault. There are also witnesses to the conspiracy, which was hatched to kill the deceased. All the accused including the applicant attacked the deceased; the applicant held the legs of the deceased pursuant to which, the other co-accused stabbed the deceased with weapons. A perusal of the post-mortem report shows that the deceased had sustained as many as 11 injuries and that most of the said injuries are stab injuries. Cause of death is stated to be death due to haemorrhagic shock due to intra-abdominal bleeding due to stab injury to right lobe of liver and intestine due to assault by hard, sharp and pointed object.

5. Considering the material on record, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected.

6. Considering that the case is of 2013, the trial of the applicant is expedited.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.